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IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WISCONSIN

2006 DEC 12 PM 12:14

WISCONSIN ALUMNI RESEARCH  
FOUNDATION

614 Walnut Street, 13th floor  
Madison, WI 53726

THERESA M. OWENS  
CLERK US DIST COURT  
WD OF WI

Plaintiff,

vs.

06 C 0726 S

Case No.

Jury Trial Demanded

ADVANCED MICRO DEVICES, INC.  
One AMD Place  
Sunnyvale, California 94088

Defendant.

**COMPLAINT**

Plaintiff, Wisconsin Alumni Research Foundation ("WARF") complains of  
defendant Advanced Micro Devices, Inc. ("AMD") as follows:

**GENERAL ALLEGATIONS  
THE PARTIES**

1. WARF is the designated intellectual property management organization for the University of Wisconsin – Madison, having a principal place of business at 614 Walnut Street, 13th Floor, Madison, Wisconsin 53726.
2. AMD is a Delaware corporation, having its principal place of business at One AMD Place, Sunnyvale, California 94088.

### **THE PATENT IN SUIT**

3. WARF is the owner of U.S. Patent No. 4,630,094 ("the '094 patent"). The '094 patent lawfully and properly issued on December 16, 1986 and is entitled "USE OF METALLIC GLASSES FOR FABRICATION OF STRUCTURES WITH SUBMICRON DIMENSIONS."

4. The named inventors on the '094 patent are John D. Wiley, the Chancellor of the University of Wisconsin-Madison, and John H. Perepezko, a Professor at the University of Wisconsin-Madison.

### **THE ACCUSED PRODUCTS**

5. The products at issue in this action include the Opteron integrated circuit ("IC") devices, developed by AMD, and may also include other AMD IC devices, including, *inter alia*, downstream products which include such devices.

### **JURISDICTION AND VENUE**

6. This is a Complaint for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code, giving this Court exclusive jurisdiction over the subject matter of this Complaint under 28 U.S.C. § 1338.

7. AMD and its customers sell and offer for sale such products in this Judicial District.

8. Upon information and belief, AMD also conducts other substantial and continuous business activities in this judicial district.

9. Venue is proper in this judicial district under 28 U.S.C. § 1391.

**COUNT I**  
**DIRECT PATENT INFRINGEMENT**

10. WARF repeats and incorporates by reference the allegations set forth in paragraphs 1 through 9.

11. AMD has directly infringed the claims of the '094 patent through, among other activities, making, using, selling and/or offering for sale the Opteron integrated circuit devices, as well as products that incorporate such devices in the United States.

12. AMD's direct infringement of the '094 patent has injured WARF and entitles WARF to recover damages adequate to compensate it for such direct infringement, but in no event less than a reasonable royalty.

13. Upon information and belief, AMD's direct infringement of the '094 patent has been willful and deliberate, and has continued without a reasonable basis therefor.

**COUNT II**  
**INDUCED PATENT INFRINGEMENT**

14. WARF repeats and incorporates by reference the allegations set forth in paragraphs 1 through 13.

15. AMD has induced its customers to infringe the claims of the '094 patent by supplying the accused IC devices to such customers with the intent that such customers incorporate such devices in downstream products for sale in the United States.

16. AMD's induced infringement of the '094 patent has injured WARF and entitles WARF to recover damages adequate to compensate it for such induced infringement, but in no event less than a reasonable royalty.

17. Upon information and belief, AMD's induced infringement of the '094

patent has been willful and deliberate, and has continued without a reasonable basis therefor.

WHEREFORE, WARF requests that the Court enter an order:

A. Requiring AMD to pay damages adequate to compensate WARF for its infringement of the '094 patent, together with prejudgment interest and costs, pursuant to 35 U.S.C. '284;

B. Requiring AMD to pay treble damages and attorneys' fees, pursuant to 35 U.S.C. §§ 284 and 285; and,


C. Granting WARF such other and additional relief against AMD as may be just and proper.

PLAINTIFF REQUESTS TRIAL BY JURY.

Dated this 12<sup>th</sup> day of December, 2006.

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**DEMAND FOR JURY TRIAL**

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Pursuant to Fed.R.Civ.P. 38(b), plaintiff demands a jury trial of all issues properly triable to a jury in this case.

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